

CHAPTER 3 – CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) EVALUATION

3.1 DETERMINING SIGNIFICANCE UNDER CEQA

The proposed project is subject to state and federal environmental review requirements. Project documentation, therefore, has been prepared in compliance with both CEQA and NEPA. Caltrans is the lead agency under CEQA and the FHWA is lead agency under NEPA.

One of the primary differences between NEPA and CEQA is the way significance is determined. Under NEPA, significance is used to determine whether an EIS, or some lower level of documentation, will be required. NEPA requires that an EIS be prepared when the proposed federal action (project) as a *whole* has the potential to “significantly affect the quality of the human environment.” The determination of significance is based on context and intensity. Some impacts determined to be significant under CEQA may not be of sufficient magnitude to be determined significant under NEPA. Under NEPA, once a decision is made regarding the need for an EIS, it is the magnitude of the impact that is evaluated and no judgment of its individual significance is deemed important for the text. NEPA does not require that a determination of significant impacts be stated in the environmental documents. CEQA, on the other hand, does require Caltrans to identify each “significant effect on the environment” resulting from the project and ways to reduce each significant effect. If the project may have a significant effect on any environmental resource, then an EIR must be prepared. Each and every significant effect on the environment must be disclosed in the EIR and mitigated if feasible. In addition, the CEQA Guidelines Appendix G list a number of mandatory findings of significance, which also require the preparation of an EIR. For the purpose of this document pertinent criteria from the CEQA Guidelines Appendix G were used to establish significance criteria for each of the alternatives. There are no types of actions under NEPA that parallel the findings of mandatory significance of CEQA. This chapter discusses the effects of this project and CEQA significance.

3.2 DISCUSSION OF SIGNIFICANT IMPACTS

The CEQA checklist (Appendix A of this document) identifies physical, biological, social, and economic factors that might be affected by the proposed project. The CEQA impact levels include potentially significant impact, less than significant impact with mitigation, less than significant impact, and no impact. Please refer to Title 14, Chapter 3, California Code of Regulations, Sections 15000 et seq for detailed discussions regarding impacts. CEQA requires that environmental documents determine significant or potentially significant impacts. In many cases, background studies performed in connection with the project indicate no impacts. A “no impact” reflects this determination. Any needed discussion to address resource specific impacts is in the corresponding Chapter 2 section of this EIR/EA. The analysis that you are reading, for the proposed bus/carpool lanes project, supports the conclusion that the project would not have unavoidable significant environmental impacts.

3.3 MITIGATION MEASURES FOR SIGNIFICANT IMPACTS UNDER CEQA

Biological Resources

Migratory Birds/Raptors

In order to reduce any potential impacts to white-throated swifts and Purple Martins, a pre-construction survey will be completed and weep holes in bridges plugged/covered before project work commences. It is anticipated swallows and Purple Martins may try to nest on bridge structures during the nesting season (March 1st to September 1st). The contractor will take measures as necessary to prevent nesting on portions of the structures that will cause conflict between performing necessary work and nesting Purple Martins and swallows. If at all possible, work will be performed outside of nesting season in order to avoid nesting birds.

Prior to March 1st, exclusionary devices such as wire mesh will be used to block access to nesting sites where work will be performed and left in place until work is completed. If nesting areas cannot be

excluded, daily removal of partially completed nests is permitted between March 1st and August 31st to discourage nesting. If new nests are built, or existing nests become occupied, then any work that would interfere with or discourage swallows from returning to their nests will not be permitted.

Caltrans recommends that the removal of any woody vegetation (trees and shrubs) required for the project is completed between September 1st and February 1st, outside of the predicted nesting season for raptors and migratory birds in this area. Vegetation removal outside this time period may not proceed until a survey by a qualified biologist determines no nests are present or in use.

If woody vegetation removal, construction, grading, or other project-related improvements are scheduled during the nesting season of protected raptors and migratory birds (February 15th to September 1st), a focused survey for active nests of such birds will be conducted by a qualified biologist within two weeks prior to the beginning of project-related activities. If active nests are found, Caltrans will consult with USFWS regarding appropriate action to comply with the Migratory Bird Treaty Act of 1918 and with CDFG to comply with provisions of the Fish and Game Code of California. If a lapse in project related work of two weeks or longer occurs, another survey and, if required, consultation with USFWS and CDFG will be required before the work can be reinitiated.

Please refer to Chapter 2.17 for more detailed information regarding avoidance, minimization, and mitigation measures.

Bats

The contractor will take such measures as necessary to prevent disturbing portions of the bridge structure that will cause conflict between performing necessary work and roosting bats. If contractor work does not conflict with bat roosting, then no further measures are required.

If work interfering with known bat roosts or potential bat roosting structures is proposed to occur between March 1st and October 31st, exclusionary devices such as wire mesh will be used to block access to bat roosting sites in expansion joints near where work will be performed. Under the direction of a biologist, the exclusionary devices will be installed after October 31st, but before March 1st, and left in place until work is completed, and then removed to allow the return of roosting bats.

An optional measure is to install, prior to March 1st, a temporary bat roost ("bat box") near the bridge structure to discourage the use of more marginal day roost sites on the structure. If the contractor's work on the bridge structure occurs between November 1st and February 28th, then no further measures are required. Please refer to Chapter 2.17 for more detailed information regarding avoidance, minimization, and mitigation measures.

Paleontological Resources

Caltrans recommends monitoring where excavation or road cuts will disturb fossil-bearing sedimentary strata. The goal of monitoring is to reduce the adverse impact on paleontological resources within the project area by collecting scientifically significant vertebrate fossils. The contractor undertaking monitoring will adhere to the paleontological mitigation plan that detail the procedures for collecting vertebrate fossils, including recording pertinent geographic and stratigraphic information, stabilization (preservation) methods for the specimens, and make provisions for the remains to be accessioned into the collections of an appropriate repository, and catalogued for future scientific study. Following completion of monitoring, collection, and specimen processing, the contractor should generate a final report detailing the results of the mitigation program. A paleontological mitigation plan for the project was prepared in November 2004. Please refer to Chapter 2.10 for more detailed information regarding avoidance, minimization, and mitigation measures.

CHAPTER 4 – SUMMARY OF PUBLIC INVOLVEMENT AND TRIBAL COORDINATION

Early and continuing coordination with the general public and appropriate public agencies is an essential part of the environmental process to determine the scope of environmental documentation, the level of analysis, potential impacts and mitigation measures, and related environmental requirements. Agency consultation and public participation for this project have been accomplished through a variety of formal and informal methods, including: project development team meetings, interagency coordination meetings, public open houses, workshops, and meetings with community groups. This chapter summarizes the results of the Caltrans' efforts to fully identify, address and resolve project-related issues through early and continuing coordination.

4.1 EARLY PUBLIC INVOLVEMENT

4.1.1 Notice of Preparation

On June 2, 2005, a Notice of Preparation (NOP) was published and distributed to the public and agencies regarding the preparation of the DEIR. Approximately 34 agencies were sent copies of the NOP. A further 38 agencies and organizations were sent a notice regarding the availability of the NOP, along with approximately 64,000 adjacent residents.

4.1.2 Notice of Preparation Open House/Scoping Meetings

Besides the notice sent to agencies and adjacent residents, a notice of three public open house/scoping meetings appeared in several local Sacramento Bee Neighbors sections. These open house/scoping meetings were held at the following locations:

- Sacramento Central Library, June 21, 2005 (10 AM – 2 PM and 4 PM - 7 PM)
- Mills Station Community Room, June 23rd (4 PM – 7 PM)

Approximately 75 individuals attended these open house/scoping meetings.

In addition, there were several meetings with individual organizations, including:

- Neighborhood Alliance (July 18, 2005)
- Environmental Council of Sacramento (Aug. 3, 2005)
- Elmhurst Neighborhood Association (Aug. 10, 2005)
- Land Park Community Association (Aug 8, 2005)

4.1.3 Other Workshops, Open Houses, and Public Meetings

- The Sacramento Area Council of Governments (SACOG) held public workshops, which were widely noticed using SACOG mailing lists and newsletter, at their office on June 12, in Rancho Cordova on July 15, and in Folsom on July 16, 1997, to discuss the proposed project.
- Major Investment Study (MIS)
 - The MIS included a number of initiatives designed to maintain mobility and provide travel choices along US 50. The addition of HOV lanes between Sacramento and El Dorado Hills was one of the initiatives.
 - The MIS was produced after a four-year regional discussion and consensus building process that involved various local agencies and the public. As part of the related US 50 Corridor Major Investment Study (MIS), SACOG conducted a public outreach program consisting of public forums, open houses, and presentations to groups. These included:
 - Sacramento Central City Transportation Management Association General Meeting (September 11, 1996)
 - Folsom-El Dorado-Cordova Transportation Management Association Board (October 8, 1996)

- Power Inn Transportation Management Association Board (October 9, 1996)
 - Central City Association of Neighborhoods (October 12, 1996)
 - Folsom-El Dorado-Cordova Transportation Management Association General Meeting (October 16, 1996)
 - Open House at SACOG (October 23, 1996)
 - Public Forum, Hart Senior Center (October 26, 1996)
 - Public Forum, Cordova Senior Center (October 29, 1996)
 - Environmental Council of Sacramento (ECOS) Board (November 6, 1996)
 - Public Forum, Folsom Steak House (November 6, 1996)
 - Franchise Tax Board Employees (November 7, 1996)
 - Cordova Community Planning Advisory Council (November 14, 1996)
 - Forum on a Long-Range Investment Strategy for the US 50 Corridor at SACOG (June 18, 1997)
- The SACOG Board adopted the MIS in December 1997.
- Metropolitan Transportation Plan 2025 (MTP):
 - The MTP process began in Nov. 1999 with a forum co-sponsored by SACOG and Valley Vision, "Traveling Into the Future." Public participation activities included:
 - Transportation Roundtable, 55 community leaders meeting for 2 ½ years.
 - Town meetings (5) in January and February 2000.
 - January to March 2002, public meetings for the Preliminary Draft MTP. A video was shown at 90 meetings.
 - A telephone poll was conducted on the Preliminary Plan after the meetings.
- Community Consensus Building
 - Began in the spring of 2000 and completed in the summer of 2000.
 - The public outreach and education process involved the following five approaches:
 - Individual meetings with stakeholders and interested parties;
 - One-on-one briefings for local elected public officials and their staff;
 - Four public workshops in areas affected by project;
 - Presentations at the June 19, 2000 Neighborhood Advisory Group meeting and the June 14, 2000 Watt Avenue workshop;
 - An interactive web site.
 - Caltrans produced a final report in September 2000.
- Presentations to various local agencies and boards
 - Presentation to the Project Steering Committee with representatives from SACOG, City of Sacramento, County of Sacramento, Regional Transit, Sacramento Transportation Authority (STA), and Caltrans on September 9, 2002.
 - Presentation to the STA board on September 12, 2002.
 - Presentation to the Sacramento City Council on February 10, 2003.
- Corridor Advisory Committee (CAC)
 - In the fall of 2002, Caltrans conducted outreach to notify the community of the CAC's formation and to encourage people who live, work or commute along the corridor, or who represent organizations with an interest in the corridor, to apply to serve on the CAC. Eighteen individuals with various backgrounds and interests were selected.
 - The CAC met monthly from January to October 2003 (there was no meeting in April).
 - The CAC offered feedback and comments on the pros and cons of each alternative, made recommendations for potential community enhancements, and identified additional alternatives to be considered in the environmental document.
 - A final report was published in November 2003.

- Meetings after the NOP
 - Land Park Community Association (Aug. 15 and Sept. 21, 2005)
 - Aug. 15th meeting discussed noise study and noise issues
 - Sept. 21st meeting discussed traffic studies.
 - Sacramento City Council (Nov. 1, 2005)
- Sacramento City Council meetings
 - The project was originally presented to the Sacramento City Council on July 24, 2001. A resolution authorized the City Manager to submit a joint application with Caltrans and the County of Sacramento to the Sacramento Transportation Authority for STIP funding for the Project. City staff recommended adoption; the Council denied staff recommendation (8 to 1)
 - On Nov. 1, 2005, City staff recommended public outreach to develop a list of community enhancements that the City will request be included as part of the project. The Council directed staff to return with a multiple strategy approach that includes community outreach options, other possible alternatives, the feasibility of additional conversations with Caltrans, and including alternatives to the HOV lanes in the EIR.
 - On April 4, 2006, the City Council passed Resolution No. 2006-237 which:
 - Reaffirmed opposition to the project.
 - Included a list of prioritized community enhancements that the City requests be included as part of the project.
 - Directed City staff to respond to Caltrans Jan. 9, 2006 letter requesting a list of community enhancements.
 - Requested an extension of the draft environmental document review period to 90 days.
 - Directed City Staff to work with Caltrans and SACOG to conduct a public charette meeting.
- Other agencies
 - On July 16, 2006, Caltrans met with the Sacramento Metropolitan Air Quality Management District (SMAQMD) to discuss potential construction emissions rules. SMAQMD indicated that such rules would be approved by the spring of 2007.

4.2 TRIBAL COORDINATION

The following agencies, tribes, groups, and individuals were contacted for this project:

Agencies:

- California Office of Historic Preservation
- Native American Heritage Commission

Tribes:

- Lone Band of Miwok Indians
- Shingle Springs Band of Miwok Indians
- Nashville-El Dorado Miwok
- Sierra Native American Council
- Miwok Tribe of the El Dorado Rancheria
- Wilton Rancheria
- United Auburn Indian Community of the Auburn Rancheria

Individuals:

- Billie Blue Elliston
- Rose Enos
- Randy Yonemura

4.3 PUBLIC WORKSHOPS CONDUCTED DURING THE CIRCULATION OF THE DEIR/ES

On December 13, 2006, Caltrans and FHWA issued a Draft Environmental Impact Report/Environmental Assessment (DEIR/EA) for the US 50 Bus/Carpool Lanes and Community Enhancements Project. The public review period extended for 60 days, from December 13, 2006 to February 13, 2007. Caltrans sent a notice of availability of the DEIR/EA to nearly 37,000 adjacent property owners one mile from the project. The notice also appeared in the Sacramento Bee Regional Sections on December 14, 2006 and January 4, 2007 (Arden/Carmichael, East and North/City) and in the Folsom Telegraph on December 13, 2006 and January 3, 2007. A copy of the DEIR/EA was sent to nearly 100 agencies and organizations, as well as 6 public libraries.

The two public open house workshops were held, one on January 10, 2007 at David Lubin Elementary School and the other on January 11, 2007 at the Mitchell Middle School. Approximately 80 members of the public attended the workshops.

Overall, Caltrans received over 300 separate comments from 27 comment cards from the workshops, 18 letters, 25 emails, and several phone calls. Appendix L includes copies of all the comments; Appendix M includes Caltrans' responses to these comments.

CHAPTER 5 - LIST OF PREPARERS

The following Caltrans staff and consultants contributed to the preparation of this DEIR/EA:

5.1 CALTRANS STAFF

Jeremy Ketchum, Senior Environmental Planner; BS Environmental Policy Analysis and Planning, University of California at Davis; MS Transportation Management, San Jose State University; 7 years experience performing environmental studies and document preparation. Environmental document oversight.

Ken Lastufka, Associate Environmental Planner; BA Environmental Studies, California State University, Sacramento (CSUS); MA Urban Studies, CSUS, Sacramento; 21 years experience performing environmental studies and document preparation. Environmental document preparation.

Mike Auslam, Traffic Engineer; BS Construction Engineering; 22 years experience. Traffic Study Report.

Aaron Bennett, NPDES Coordinator; BS Environmental Engineering, Utah State University; MS Environmental Engineering, University of California at Berkeley; Licensed Professional Engineer in California since 2001. Water Quality Assessment.

Rajive Chadha, Environmental Engineer, B.A.Sc. Civil Engineering, University of Ottawa, 15 years of experience performing hazardous waste studies/investigations. Initial Site Investigation.

Trina-Dee Florence, Senior Delineator; 30 years experience performing hand and CAD drafted plan sets graphic design, and visual simulations. Visual simulations.

Marsha Freese, Associate Landscape Architect; BS Landscape Architecture, Iowa State University, Ames; MBA, University of Phoenix, Fountain Valley; 8 years experience in preparing visual impact assessments. Visual Impact Assessment.

John Holder, Professional Engineer, Project Management Professional, National Pollutant Discharge Elimination System Coordinator, BS Civil Engineering, California State University, Sacramento, 8 1/2 years experience Design, 5 1/2 years experience water quality assessment and compliance document preparation. Water Quality Report.

Andrew Hope, Associate Environmental Planner (Architectural History); BS Architecture, University of Michigan; MA Architecture, University of Wisconsin - Milwaukee; 18 years experience in historic preservation and historic architecture surveys. Historic Resource Evaluation Report and Finding of No Adverse Effect Report.

Judy McCullough, Hydraulic Engineer, MS Civil Engineering, California State University, San Jose CA, USA: 5 years experience performing hydraulic engineering. Floodplain study.

Aaron McKeon, Associate Environmental Planner; MS Regional Planning, Cornell University; 5 years experience in preparing community impact assessments. Community Impact Analysis.

Anmarie Medin, Associate Environmental Planner - Archaeologist. MA, Cultural Resources Management, Sonoma State University. 16 years experience performing cultural resources assessments and environmental compliance documents. Professionally Qualified Staff: PI - Historical Archaeology; Co-PI - Prehistoric Archaeology. Cultural resources compliance documents.

Richard Olson, Associate Environmental Planner, Archaeologist; BA History/American Studies, California State University, Chico; 26 years experience in archaeology/cultural resource management. Mr. Olson is a Professionally Qualified Staff (PQS) certified by Caltrans as a Co-Principal Investigator in Prehistoric and Historical Archaeology. Historic Property Survey Report.

Erik Schwab, Associate Environmental Planner - Natural Resources; AS Forestry, Sierra College; BS Agronomy, Production Management, CSU, Fresno; 16 years experience conducting biological studies and environmental analysis. Natural Environment Study.

Ben Tam, Transportation Engineer; BS Civil Engineering, San Jose State University; 14 years experience with 7 years experience performing noise studies. Noise Study oversight.

Sharon Tang, Transportation Engineer Technician (Air/Noise); AA Business/Engineering, Sacramento City College; 4 years experience. Air Quality Report.

5.2 URS CORPORATION

Jeff Zimmerman, Senior Project Manager; BS Conservation of Natural Resources, University of California, Berkeley; Over 22 years of experience providing NEPA and CEQA compliance procedures, documentation, and regulatory permitting.

Manisha Kothari, Project Manager/Senior Environmental Planner; MS Foreign Service, Georgetown University, Washington, DC; BA Political Science, BA Communications, University of California, Berkeley; 8 years of experience in the planning and analysis of infrastructure development projects in California and overseas, with emphasis on the evaluation of community and socioeconomic impacts.

Keith Dewey, Project Manager/Senior Planner; BA Geography, University of Missouri, Columbia; Certificate, Land Use & Environmental Planning, University of California, Davis; 12 years experience performing transportation/environmental studies and environmental document preparation.

Mark Mazzola, Environmental Planner; BS Biology, University of Notre Dame, South Bend; MS Community and Regional Planning, University of Texas, Austin; 10 years of experience in international and federal environmental programs and planning.

Srijesh Thapa, Associate Environmental Planner; B.S. Environmental Science, Delhi University, India; M.S. Environmental Management, University of San Francisco; 8 years of experience in the environmental field.

5.3 ILLINGWORTH RODKIN

Keith Pommerick, Senior Consultant. Traffic noise measurements, traffic noise modeling tasks, and report preparation.

5.4 GEOCON CONSULTANTS, INC.

Rebecca L. Silva, Senior Project Scientist; BS Soil and Water Science, University of California at Davis, 14 years experience performing environmental assessments.

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US Fish and Wildlife Service
2800 Cottage Way, Room W-2605
Sacramento, California 95825

State Agencies

Office of Historic Preservation
California Dept. of Parks and Recreation
1416 9th Street, Room 1442-7
Sacramento, CA 95814

Central Valley Regional Water Quality Control
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California Department of Fish and Game
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Department of Parks and Recreation
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California Highway Patrol
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Native American Heritage Commission
915 Capitol Mall, Room 364
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California Transportation Commission
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Local Agencies

City of Sacramento
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Sacramento County
Clerk of the Board
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City of Rancho Cordova
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Yolo County
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CHAPTER 7 - REFERENCES

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